

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA CR 05-60008-HO

v.

PIROUZ SEDAGHATY, et al.,

Defendants.

ORDER

**SECOND PROTECTIVE ORDER PURSUANT TO SECTION 4 OF THE
CLASSIFIED INFORMATION PROCEDURES ACT AND FEDERAL RULE
OF CRIMINAL PROCEDURE 16(D)(1)**

This matter is before the Court on the Government's second classified *in Camera, ex parte* motion for a protective order, pursuant to Section 4 of the Classified Information Procedures Act, 18 U.S.C. App. III, ("CIPA") and Federal Rule of Criminal Procedure 16(d)(1), authorizing the substitution of an unclassified summary in lieu of disclosure of the original classified materials themselves, and to withhold disclosure of certain classified material from discovery.

1. The Court finds that the Government's second motion was properly filed *in camera, ex parte* for this Court's review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The Submission contains classified information that requires protection against unauthorized disclosure for reasons of national security such that its disclosure to the defense, or to the public, reasonably could be expected to cause exceptionally grave or serious damage to national security.

After *in camera*, *ex parte* inspection and consideration of the motion and memorandum of law, supporting Declarations and exhibits (hereinafter, the "Submission"), the Court **GRANTS** the Government's motion pursuant to Section 4 of CIPA and Rule 16(d)(1).

2. The Court further finds that the classified materials sought to be protected are not discoverable under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, Federal Rule of Criminal Procedure 16; and that the national security damage from disclosure to the defense, as articulated in the classified declarations submitted by the Government, outweighs the Defendant's need for the classified information at issue. Accordingly, **IT IS FURTHER ORDERED THAT** the Government need not disclose to the defense the classified materials described in the Submission.

3. **IT IS FURTHER ORDERED** that the Government's Submission is hereby sealed and shall be maintained in a facility appropriate for the storage of such classified information by the Court Security Officer as the designee of the Clerk of Court, in accordance with established security procedures, until further order of this Court.

SO ORDERED this 18th day of March 2009.


MICHAEL R. HOGAN
United States District Court Judge

Presented by:
KARIN J. IMMERGUT
United States Attorney


DAVID L. ATKINSON
Assistant United States Attorney